

REMARKS/ARGUMENTS

Claims 17-58 are pending. By this Amendment, new claims 47-58 have been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicants appreciate the courtesies extended by Examiner Bennett and Patel to Applicants' representatives during a personal interview conducted on May 24, 2006. During the interview, it was agreed that the application would be considered allowable upon an updated search. See the Interview Summary.

In the Office Action, paragraph 1 indicates that the Terminal Disclaimer filed on February 21, 2006 has not been approved since an attorney of record did not sign it. Attached herewith is a copy of the Exclusive Substitute Power of Attorney which was filed with the above-identified application on October 31, 2003. The Exclusive Substitute Power of Attorney, which was executed on October 23, 2003 in relation to the immediate parent application, specifically empowers and appoints the attorneys of Customer Number 23117 individually and collectively its attorneys to prosecute the present application. The Terminal Disclaimer which was filed on February 21, 2006 was signed by the undersigned, who was associated with Customer Number 23117. Thus, Applicants respectfully submit that the Terminal Disclaimer was proper and entry therefore is respectfully requested. A copy of the date stamped postal filing receipt indicating the receipt of the Exclusive Substitute Power of Attorney by the Patent Office is attached hereto.

Accordingly, reconsideration and withdrawal of the obviousness-type double patenting rejections are respectfully requested.

Claims 31-35 and 37-44 were rejected under 35 U.S.C. §102(e) over Eaton et al. (U.S. Published Patent Application No. US 2004/0045551). This rejection is respectfully traversed at least for the reason that the present application is a continuation of U.S. Application No. 10/264,326 filed October 4, 2002, which in turn is a continuation of U.S. Application No. 09/502,745, filed February 11, 2000 (now U.S. Patent No. 6,532,961). These applications also claim priority to Australian Patent Application No. PQ 1040, filed June 18, 1999. Eaton et al. was filed on September 3, 2003, and claims priority to U.S. Provisional Application No. 60/408,836, filed on September 6, 2002. Accordingly, Eaton et al. does not qualify as prior art as agreed during the personal interview.

Reconsideration and withdrawal of the rejection are respectfully requested.

Attached hereto is an Information Disclosure Statement to cite information which was cited in a communication regarding a corresponding European application.

Furthermore, Applicants appreciate that the vast majority of the references which were cited on the various Forms PTO-1449 furnished to the Patent Office have been initialed by the Examiner. However, the Examiner lined through U.S. Published Patent Application No. 2004-0045550-A1 to Lang et al. (apparently because it was mis-cited as “2004-004550”). Accordingly, the citation to this published application has been corrected and added to the present Information Disclosure Statement for consideration by the Examiner, as discussed during the personal interview.

Independent claim 48 is supported by Figure 8 and its corresponding written description. By contrast, the Interview Summary indicates that “... claim 47... defines Figure 8.” While Figure 8 provides the support for claim 47, and Figure 8 is one example of a device covered by

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claim 47, Figure 8 is only an example. Moreover, other devices employing the claimed subject matter of claim 47 would also be covered.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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PTB:jck

Attachments:

Exclusive Substitute Power of Attorney
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